

### **Remarks/Arguments**

Claims 1-12 are cancelled. Claims 13-16 are withdrawn. Claims 17-26 were previously presented and are presently pending.

### **1. The Claimed Invention:**

Applicant's invention is directed to a terminal device, such as a computer, having a personal financial management application (e.g., Microsoft Money or Intuit's Quicken) and a financial assistant. The terminal device is configured to interact with a commercial web server, such as by having a web browser (e.g., Internet Explorer) that may interact with a commercial web server (e.g., Amazon.com) by visiting a particular URL (e.g., www.Amazon.com). When a purchase is made on the terminal device, the financial assistant generates a graphical user interface (e.g., a pop-up window or other interface) that allows a user to enter the transaction data into the personal financial management application.

In one embodiment, the invention may be understood by the following sequence: user visits purchase web page and, upon completion of the purchase, a new window is opened having the purchase information (e.g., amount of purchase) populated; the user selects a category from a drop down, clicks accept, and the information from the graphical user interface (e.g., purchase information as modified by the user) is provided to the personal financial management application.

## **II. The Prior Art Rejections:**

The Office action rejects claims 17-26 under 35 U.S.C. Section 103(a) as being unpatentable over Friedman et al., US Patent No. 6,965,912 (hereinafter "Friedman"). Specifically:

Friedman discloses a system, a web server system, e.g. 212, 260, 288, transaction, authorization, and program code (e.g., claims 26-28, 31), database server, e.g. 270, a network, e.g. Internet, and a graphical user interface (gui), e.g. Figs. 6A-K including a number of web pages. Friedman does not disclose all the terms recited by Applicant that the gui comprises, e.g., a purchase amount field, a payee field. However Friedman discloses a plurality of fields, e.g. Fig. 4-5, data fields 402, 406. To have provided the common knowledge fields recited by Applicant for the system of Friedman would have been obvious to one of ordinary skill in the art. The motivation for having done such would have been incorporating common knowledge transaction field data associated with a purchase transaction. It is noted that Friedman may be considered personal financial information.

### **A. Office Action Fails to Address Applicants Previously Submitted Remarks**

First, Applicant maintains that the Office action fails to properly address the remarks made by the Applicant in the previous amendment. Instead, the Examiner has presented the following: 1) introduced a reference relating to a "Method and Apparatus for Distributing Greeting Cards with Electronic Commerce Transactions" that has little, if anything, to do with personal financial management generally or the claimed invention in particular; 2) asserted the Official Notice may be used to teach everything that the non-related reference fails to teach, despite Applicant's request for a specific reference; and 3) asserted that many of the Applicant's express limitations have been given little, if any, patentable weight. Each of the Examiner's arguments will be addressed below. However, Applicant first requests that the Examiner respond to the Applicant's arguments. Applicant has provided two previously submitted elements that, even in light of the newly cited art, undermine the Examiner's conclusory statement that the claimed invention is obvious.

### **First Argument**

The “graphical user interface population executable code” may be code that takes transaction data relating to a particular transaction and populates fields of the graphical user interface. For example, if a user purchases a “Filing and transaction fee for provisional patent application” on September 18, 1999 for \$150 using a credit card starting with 5417, the user may be presented with a GUI similar to the GUI of FIG. 3. This GUI takes information from the purchase page and uses it to populate fields of the GUI, so that the user does not have to re-enter data. The user may then select a category from the category drop down (these categories may be used for tax and accounting purposes in personal financial management applications, as is understood by one of ordinary skill in the art).

### **Second Argument**

The “personal financial management application transmission executable code” may be executed when a user, for example, clicks the “Accept” button shown in FIG. 3. This may cause the data in the fields of the GUI to be transmitted to the personal financial management application.

## **B. Present Office Action Fails to Establish Prima Facie Case of Obviousness**

Turning now to the present Office action, the Examiner has: 1) introduced a reference relating to a “Method and Apparatus for Distributing Greeting Cards with Electronic Commerce Transactions” that has little, if anything, to do with the personal financial management; 2) asserted the Official Notice may be used to teach everything that the non-related reference fails to teach, despite Applicant’s request for a specific reference; and 3) asserted that many of the Applicant’s express limitations have been given little, if any, patentable weight. Each of these elements will be addressed in turn.

### **1. Friedman Does Not Teach the Claimed Invention**

Although there are a number of limitations not taught or made obvious by Friedman, Applicant has selected two limitations that Friedman clearly does not address. Specifically, claim 17 includes the following limitations:

a set of graphical user interface population executable code that populates the purchase amount field, the purchase date field, the payee field, and the card identification field based on the commercial web server transaction data, and

a set of personal financial management application transmission executable code that transmits the personal financial management application transaction data from the fields of the graphical user interface to the personal financial management application when the accept button is activated.

Turning to the Office action, neither of these express limitations is addressed. Instead, the Examiner asserts:

However Friedman discloses a plurality of fields, e.g. Fig. 4-5, data fields 402, 406. To have provided the common knowledge fields recited by Applicant for the system of Friedman would have been obvious to one of ordinary skill in the art.

Contrary to the Examiner's assertion, Applicant does not claim to have invented "a plurality of field," so the fact that Friedman teaches these is neither unique nor relevant. Instead, Applicant claims "graphical user interface population executable code that populates...field[s] based on the commercial web server transaction data." Furthermore, the Applicant claims "personal financial management application transmission executable code that transmits the...transaction data from the fields...to the personal financial management application." In combination, these limitations claim a system that enables a user to efficiently copy transaction data sent to a commercial web server (e.g., Amazon.com) into a local personal financial management application (e.g., Quicken).

When these limitations are considered together, as must be done to establish a *prima facie* case of obviousness, it is clear that neither Friedman nor common knowledge teach or make obvious the claimed invention.

## **2. Official Notice**

The Examiner asserts that the "Applicant's attempts at traversing Official Notice findings as stated in the June 1, 2006 Office Action is inadequate." Although Applicant maintains that the previous requests were adequate, in the interest of furthering prosecution, Applicant hereby 1) traverses the Examiner's taking of Official Notice, and 2) argues that the Official notice statements are not to be considered common knowledge because, inter alia, **the invention is still novel to all but the Applicant even after seven years** (e.g., neither of the major personal financial management applications has included a direct interface between a web purchase and the personal financial management application). If the Examiner maintains that the Applicant must prove that the recited limitations are not common knowledge, Applicant first asserts that the Examiner's understanding of the law is incorrect, and second requests that the Examiner explain the methodology by which the Applicant is expected to prove (as opposed to assert) the impropriety of Official Notice (e.g., that the recited limitation was not common knowledge at the time the application was filed).

## **3. Intended Use**

Applicant maintains that the expression "configured to process," when considered in the context of a computer-related invention, is by no means a phrase that connotes intended use. Specifically, when a computer is programmed with instructions (e.g., a computer program is installed and executed), the computer has no choice but to operate in the manner in which it is configured to process by its instructions. In the Office action, the Examiner states that a "commercial web server" is positively recited claim language. This distinction does not help the Applicant understand the Examiner's position, as a commercial

web server is defined primarily by operations of the executable code loaded thereon (e.g., a web server runs web server software). If the Examiner is maintaining that a "commercial web server" is physically different than "a server configured to process commercial web server software," this distinction seems to be one of style. If this is the case, Applicant would willingly work with the Examiner to improve the claim style.

If this is not a stylistic distinction, Applicant disagrees with the Examiner's position. Computer-related inventions are clearly patentable subject matter, and if the Examiner's position were correct, then all computer-related limitations would be given little or no patentable weight and computer-related patents would, therefore, be unpatentable. Applicant is aware of no valid case law or statutory basis for this interpretation. If there is valid case law or statutory support for the position that "configured to process" limitations are to be given little or no patentable weight with respect to computer-related inventions, Applicant respectfully requests that the Examiner include this legal support law in the next Office action.

### **III. Conclusion**

For at least the foregoing reasons, claims 17-26 should be allowed. If the Examiner maintains the rejection, Applicant respectfully requests that Official Notice not be relied upon to teach expressly recited claim limitations. Additionally, if certain claim limitations are being given little or no patentable weight, Applicant respectfully requests that the Examiner identify precisely which claim limitations are being disregarded and provide a legal justification for such treatment.

Finally, Applicant requests in earnest that the Examiner review the claimed subject matter and determine whether there is an Amendment that would place the claims in condition for allowance in the Examiner's opinion. Applicant wishes to move this case to allowance, and is willing to work with the

Examiner to make this happen. If the Examiner intends to issue anything but a Notice of Allowance, the Examiner is respectfully requested to contact the undersigned to discuss possible amendments.

Respectfully submitted,

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